

## Message Text

PAGE 01 SAN JO 02629 211526Z

43

ACTION SS-25

INFO OCT-01 ADP-00 SSO-00 /026 W

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R 211500Z JUL 73

FM AMEMBASSY SAN JOSE

TOSIECSTATE WASHDC 4629

CONFIDENTIAL SAN JOSE 2629

EXDIS

E.O. 11652: GDS

TAGS: PGOV, PFOR, CS

SUBJECT: EXTRADITION: ROBERT VESCO

REF: SAN JOSE 2534

1. I PRESENTED FINAL, SUPPLEMENTARY BRIEF TO SEGUNDA SALA  
TODAY, JULY 20. COPIES WILL BE POUCHED MONDAY TO L/M/SCA  
AND ARA-LA/CEN.

2. THIS LATEST BRIEF, DRAFTED JOINTLY BY ODIO AND  
CASTILLO, RESPONDS TO ARGUMENTS ADVANCED BY VESCO'S ATTOR-  
NIES (REFTEL) AND RESTATES PRINCIPAL THEMES OF USGOVT  
CASE. INTER ALIA;

A) OUR BRIEF DISPUTES ALLEGATIONS OF PROCEDURAL DEFICIEN-  
CIES IN CASE, AND ARGUES THAT RATHER IT WAS THE FIRST PENAL  
JUDGE WHO COMMITTED ERRORS FIRST IN REFUSING TO ISSUE 43-  
VENTATIVE ARREST WARRANT AND LATER IN DISMISSING CASE PRIOR  
TO PRESENTATION OF ALL OUR EVIDENCE. IN SUPPORT OF THIS  
THESIS, BRIEF MAKES EXTENSIVE REFERENCE TO ARTICLES XI  
AND XII OF EXTRADITION TREATY, AND THE COSTA RICAN  
EXTRADITION LAW.

B) BRIEF AGAIN ARGUES THAT FRAUD RATHER THAN MERE  
IMPROPER USE OF WIRES IS THE ESSENCE OF OUR CASE  
AGAINST VESCO, AND THAT THE ACTS IMPUTED TO VESCO ARE  
PUNISHABLE IN COSTA RICA.

C) BRIEF ARGUES THAT EXTRADITION LAW AND TREATY  
ARE NOT MUTUALLY EXCLUSIVE IN THE SENSE THAT U.S. CITI-  
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PAGE 02 SAN JO 02629 211526Z

ZENS ACCUSED OF CRIMES IN THE U.S. ARE NOT PROTECTED  
AGAINST EXTRADITION UNDER THE LAW SIMPLY BECAUSE A  
TREATY EXISTS.

D) IN RESPONSE TO ARGUMENT BY VESCO LAWYERS THAT

THE PENALTY APPLICABLE TO CHARGES AGAINST HIM WAS NOT  
KNOWN, BRIEF MENTIONS PENALTIES SHOWN IN 18 USC 1342  
AND 1343.

3. SEGUNDA SALA NOW HAS 8 WORK DAYS (STARTING MONDAY)  
TO DECIDE CASE.  
LANE

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<< END OF DOCUMENT >>

## Message Attributes

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